

John P. Aldrich, Esq. (Resident Counsel)
Nevada State Bar #6877
Aldrich Law Firm, Ltd.
7866 West Sahara Ave.
Las Vegas, NV 89117
Tel: (702) 853-5490
jaldrich@johnaldrichlawfirm.com

*Liaison Counsel for
Lead Plaintiff Carlos Marina*

Reed R. Kathrein (to be admitted *pro hac vice*)
Lucas E. Gilmore (admitted *pro hac vice*)
HAGENS BERMAN SOBOL SHAPIRO LLP
715 Hearst Avenue, Suite 300
Berkeley, CA 94710
Telephone: (510) 725-3000
Facsimile: (510) 725-3001
reed@hbsslaw.com
lucasg@hbsslaw.com

*Attorneys for
Lead Plaintiff Carlos Marina*

[Additional counsel on signature page]

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

TAD SCHLATRE, Individually and On
Behalf Of All Others Similarly Situated,

Plaintiff,

v.

MARATHON DIGITAL HOLDINGS, INC.,
f/k/a MARATHON PATENT GROUP, INC.,
MERRICK D. OKAMOTO, FREDERICK G.
THIEL, and SIMEON SALZMAN,

Defendants.

Case No.: 2:21-cv-02209-RFB-NJK

CLASS ACTION

**NOTICE OF VOLUNTARY
DISMISSAL**

1 PLEASE TAKE NOTICE that Lead Plaintiff Carlos Marina (“Plaintiff”), through his
2 undersigned counsel of record, hereby voluntarily dismisses the action, without prejudice,
3 pursuant to Fed. R. Civ. P 41(a)(1) as follows:

4 WHEREAS defendants do not object, have not answered nor moved for summary
5 judgment and no class certification motion has been filed;
6

7 WHEREAS Plaintiff has not entered into any agreement with any defendant in
8 connection with the voluntary dismissal:

9 WHEREAS neither Plaintiff nor counsel has received or will receive any
10 consideration for dismissal.

11 WHEREAS under Federal Rule of Civil Procedure 41(a)(1), Lead Plaintiff is entitled
12 to dismiss this action on his own initiative:
13

14 Subject to Rules 23(e), 23.1(c), 23.2, and 66 and any applicable
15 federal statute, the plaintiff may dismiss an action without a
16 court order by filing: (i) a notice of dismissal before the
opposing party serves either an answer or a motion for
summary judgment. . . .

17 WHEREAS although this case alleges putative class claims, Federal Rule of Civil
18 Procedure 23(e) is inapplicable to the instant dismissal as the dismissal does not involve the
19 claims, issues or defenses of a certified class - or a class proposed to be certified for purposes
20 of settlement.

21 WHEREAS no prejudice to absent putative class members will result from dismissal
22 of the action because a class has not been certified, the dismissal will not affect their rights,
23 and there is no imminent statute of limitations or repose deadline;
24

25 WHEREAS Federal Rule of Civil Procedure 23(e)(1)(B) is inapplicable to the instant
26 dismissal as none of the absent putative class members would be bound; and
27
28

1 WHEREAS no notice need be sent to absent putative class members, because a class
2 has not been certified, the case is in its infancy, and no absent putative class member will be
3 bound by the voluntary dismissal of Plaintiff's claims.

4 THEREFORE, Plaintiff hereby dismisses the action without prejudice as to Plaintiff's
5 individual claims.
6

7 DATED: October 21, 2022

HAGENS BERMAN SOBOL SHAPIRO LLP

8
9 By /s/ Lucas E. Gilmore
10 Lucas E. Gilmore (admitted *pro hac vice*)
11 Reed R. Kathrein (to be admitted *pro hac vice*)
12 715 Hearst Avenue, Suite 300
13 Berkeley, CA 94710
Telephone: (510) 725-3000
Facsimile: (510) 725-3001
reed@hbsslaw.com
lucasg@hbsslaw.com

14 Steve W. Berman (to be admitted *pro hac vice*)
15 HAGENS BERMAN SOBOL SHAPIRO LLP
16 1301 Second Avenue, Suite 2000
17 Seattle, WA 98101
Telephone: (206) 623-7292
Facsimile: (206) 623-0594
steve@hbsslaw.com

18 *Attorneys for Lead Plaintiff*
19 *Carlos Marina and Lead Counsel*

20 John P. Aldrich, Esq.
21 NV Bar No. 6877
22 ALDRICH LAW FIRM, LTD
23 7866 West Sahara Ave.
Las Vegas NV 89117
Tel. 702.853.5490
Fax. 702.227.1975
Email: jaldrich@johnaldrichlawfirm.com

24 *Liaison Counsel for Lead Plaintiff*
25 *Carlos Marina*
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CERTIFICATE OF SERVICE

I hereby certify that on October 21, 2022, I electronically filed the foregoing document using the CM/ECF system which will send notification of such filing to the email addresses registered in the CM/ECF system, as denoted on the Electronic Mail Notice List.

/s/ Lucas E. Gilmore
Lucas E. Gilmore